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# SANITARY LEGISLATION.

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## STATE LAWS AND REGULATIONS PERTAINING TO PUBLIC HEALTH.

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### DISTRICT OF COLUMBIA.

#### **Tuberculosis—School Children. (Reg. of Commissioners, Oct. 4, 1913.)**

Section 19 of the rules governing the medical inspection of public schools in the District of Columbia was amended by the addition of the following:

"A pupil who has been excluded because suffering from a communicable form of tuberculosis may be permitted to return only on the presentation of a certificate issued by the health officer authorizing him so to do."

### MASSACHUSETTS.

#### **Tenement Houses—Construction, Maintenance, and Alteration of. (Chap. 786, Act June 13, 1913.)**

#### PART I.

##### GENERAL PROVISIONS.

SECTION 1. *Short title.*—This act shall be known as the tenement house act for cities.

(Section 2 gives definitions of terms used in the act.)

SEC. 3. *Buildings converted or altered.*—A building not a tenement house, if hereafter converted or altered to such use, shall thereupon become subject to all the provisions of this act affecting tenement houses hereafter erected.

SEC. 4. *Alterations and change of occupancy.*—No tenement house hereafter erected shall at any time be altered so as to be in violation of any provision of this act. If any tenement house or any part thereof is occupied by a number of families in excess of the number specified in this act, or is erected or altered or occupied contrary to law, such tenement house shall be deemed an unlawful structure, and the board of health may cause such building to be vacated; and it shall not again be occupied until it or its occupation, as the case may be, has been made to conform to the law, and a permit is obtained in writing from the board of health.

SEC. 5. *Law not to be modified.*—This act shall be held to provide the minimum requirements adopted for the protection of the health and safety of the community. Nothing in this act contained shall be construed as prohibiting any city from enacting from time to time supplementary ordinances imposing further restrictions, but no city authority shall have power to minimize, avoid, or repeal any provision of this act.

SEC. 6. *Sewer connection and water supply.*—The provisions of this act with reference to sewer connection and water supply shall be deemed to apply only where connection with a sewer and with a water main is or becomes accessible. The questions of the practicability of such sewer and water connections shall be decided by the local board of health, or by the State board of health upon request of the local board.

SEC. 7. *State board of health.*—The State board of health shall have power to examine into the enforcement of the laws relating to tenement houses in any city. Whenever so required by the governor, it shall make such an examination and shall report the result thereof to the governor within the time prescribed by him.

SEC. 8. *Time for compliance.*—All improvements specifically required by this act upon tenement houses erected prior to the date of its acceptance by a city shall be made within one year from said date, or at such earlier period as may be fixed by the building inspector.

## PART II.

### TITLE 1. LIGHT AND VENTILATION.

SEC. 9. *Distance from side lot line.*—No tenement house of third-class construction shall hereafter be erected, enlarged or placed with the side walls, bay windows or other projections, except cornices, belt courses, and window sills, nearer than 5 feet to the line of any adjoining lot, nor shall any lot upon which such a tenement house stands be so changed in size as to bring the side walls or bay windows or other projections except as aforesaid nearer than 5 feet to the line of any adjoining lot. But any such tenement house may be constructed to the lot line if protected by a fire wall as provided in section 46. If the side walls of any tenement house of first or second class construction are built to the lot line, there shall be no windows or any other openings in such walls.

SEC. 10. *Height.*—No tenement house hereafter erected shall have more than one legally habitable story for each full 10 feet of the width of the street, unless such house be set back from the street a distance equal to the excess of its height over that permitted at the street line. On a corner lot the height shall be governed by the width of the wider street, as above, but this height shall not extend along the narrower street a distance greater than twice the width of said street.

SEC. 11. *Yards.*—Behind every tenement house hereafter erected there shall be a yard extending across the entire width of the lot and at every point open from the ground to the sky unobstructed, except as hereinafter provided. Every part of such yard shall be directly accessible from every other part thereof. The depth of said yard shall be measured from the extreme rear of the house toward the rear line of the lot. Where the rear of the lot abuts on a public alley or right of way dedicated to public use for the full width of the lot, the depth of the lot may be measured to the middle line of such alley or right of way; where there is no such alley or right of way the measurements shall be taken to the rear lot line. If the tenement house is three stories or less in height, the depth of the yard in the case of interior lots shall be not less than 15 feet, and the depth of the yard in the rear of corner lots shall be not less than 10 feet. If the tenement house exceeds three stories in height, the depths above prescribed in the case of interior lots shall be increased 5 feet and in the case of corner lots shall be increased 2 feet for each story above three stories. When

a lot upon which a tenement house is built is bounded on every side by a street the yard may be omitted.

SEC. 12. *Courts*.—The sizes of all courts in tenement houses hereafter erected shall be proportionate to the height of the building. No court shall be less in any part than the minimum sizes prescribed in this section. The minimum width of a court for a two-story building shall be 10 feet, and the width shall increase 2 feet for each additional story. The length of an inner court shall never be less than twice the minimum width prescribed by this section. The length of an outer court shall never be greater than twice its minimum width unless provided at the inner end with an air intake at the bottom, as prescribed in section 14, which shall communicate directly with the street or yard or front yard.

The minimum width for an outer court on the lot line extending from the street or front yard to the yard shall be 10 feet for a three-story building, and the width shall increase 1 foot for each additional story.

SEC. 13. *Courts open at top*.—No court of a tenement house hereafter erected shall be covered by a roof or skylight, but every court shall be at every point open from the ground to the sky unobstructed.

SEC. 14. *Air intakes*.—In every tenement house hereafter erected, four stories or under in height, every inner court shall be provided with one or more horizontal air intakes at the bottom. Such intakes shall communicate directly with the street, front yard or yard, and shall consist of a fireproof passageway not less than 3 feet wide and 7 feet high which shall be left open, or be provided with an openwork gate at each end, and such gate shall not be covered over in any way either by glass or any other material. If the tenement house is over four stories in height there shall be two or more such intakes, one communicating with the street or front yard and one with the yard.

SEC. 15. *Extensions or offsets to courts*.—Extensions or offsets to courts in tenement houses hereafter erected are permitted for the purpose of lighting bathrooms, water-closets, and corridors only, but no such extension or offset shall be less than 6 feet in width in any part; its depth may be less than but never greater than its width. Such dimensions shall be deemed the minimum dimensions for a two-story house and shall increase 1 foot for each story above two stories.

SEC. 16. *Angles in courts*.—Nothing contained in the foregoing sections concerning courts shall be construed as prohibiting the building of walls across the angles of said courts to contain windows: *Provided*, That the running length of the wall containing such windows does not exceed 6 feet.

SEC. 17. *Building on same lot with tenement houses*.—If any building is hereafter placed on the same lot with a tenement house there shall always be maintained between the said buildings an open unoccupied space extending upward from the ground and extending across the entire width of the lot. Such space shall never be less than 25 feet in depth and where either building exceeds three stories in height the depth of such open space shall be increased 5 feet for each story above three stories. And no building of any kind shall hereafter be placed upon the same lot with a tenement house so as to diminish the minimum size of courts or yards as hereinbefore prescribed, except that where an alley not less than 10 feet wide abuts the rear of the lot, a rear building, if not used for tenement house or stable or manufacturing purposes, may be built up to the rear line of the lot: *Provided*, That it does not exceed one story in height and that the space between it and the front building is maintained as required by this section. And if any tenement house is hereafter erected upon any lot upon which there is already another building, it shall

comply with all the provisions of this act, and, in addition, the space between the said building and the said tenement house shall be of such size and arranged in such manner as is prescribed in this section, the height of the highest building on the lot to regulate the dimensions.

SEC. 18. *Rear tenements.*—No tenement house shall hereafter be erected upon the rear of a lot where there is a building on the front of the said lot, nor upon the front of any such lot upon the rear of which there is a tenement house or stable or building used for manufacturing purposes. This provision shall not apply to tenement houses abutting on two streets and situated on the outside corner of the lot.

SEC. 19. *Rooms, lighting, and ventilation of.*—In every tenement house hereafter erected every apartment shall have at least one room with a window opening directly upon the street or yard, and every room in such tenement house shall have at least one window opening directly upon the street or upon a yard or court of the dimensions specified in this act, except that kitchenettes, pantries, water-closet compartments, and bathrooms may have such window opening upon an offset to a court, as provided in section 15, and such window shall be so located as properly to light all parts of such rooms.

SEC. 20. *Windows in rooms.*—In every tenement house hereafter erected the total area of the windows between stop beads in each room, including kitchenettes, water-closet compartments, and bathrooms, shall be at least one-seventh of the floor area of the room, and the top of at least one window shall be not less than 7 feet 6 inches above the floor, and the upper half of it shall be made so as to open the full width. No such room shall have less than 12 square feet of window area measured between stop beads, except that in kitchenettes, water-closet compartments, and bathrooms such windows shall be not less than 6 square feet in area between stop beads.

SEC. 21. *Rooms, size of.*—In every tenement house hereafter erected there shall be in each apartment at least one room containing not less than 150 square feet of floor area, and every other room, except kitchenettes, water-closet compartments, and bathrooms, shall contain not less than 84 square feet of floor area. All rooms shall be in every part not less than 8 feet 6 inches from the finished floor to the finished ceiling, except that a half-story room need be 8 feet 6 inches in height in but one-half of its area.

SEC. 22. *Alcoves and alcove rooms.*—In every tenement house hereafter erected an alcove in any room shall be separately lighted and ventilated as provided for rooms in the foregoing sections. No part of any room in a tenement house shall be inclosed or subdivided at any time, wholly or in part, by a curtain, portière, fixed or movable partition, or other contrivance or device so as to make an alcove unless the part of the room so inclosed or subdivided shall contain a separate window, as herein required, and shall have a floor area of not less than 84 square feet.

SEC. 23. *Privacy.*—In every tenement house hereafter erected, in each apartment, there shall be access to every living room and bedroom, and to at least one water-closet compartment without passing through a bedroom or bathroom or water-closet compartment.

SEC. 24. *Public halls, lighting and ventilation of.*—In every tenement house hereafter erected every public hall and stair hall shall have at each story at least one window opening directly upon the street or upon a yard or court of the dimensions specified in this chapter. Such window in a public hall shall be at the end of the hall with the natural direction of the light parallel to the hall's axis. Any part of a public hall which is in any way shut off from any other part of the hall shall be deemed a separate hall within the meaning of this section.

SEC. 25. *Windows for public and stair halls, size of.*—In every tenement house hereafter erected the windows provided to light and ventilate each public hall and stair hall, or part thereof, shall contain not less than 12 square feet clear opening, measured between stop beads. The top of one such window shall be not less than 7 feet 6 inches above the floor, and the upper half thereof shall be made so as to open the full width. A sash door shall be deemed the equivalent of a window in this and the foregoing section: *Provided*, That said door contains a clear opening of the size prescribed for such windows. In every tenement house of three or more stories there shall be in the roof directly over each stair well a ridge ventilator having a minimum opening of 40 square inches and with fixed or movable louvers.

#### TITLE 2. SANITATION.

SEC. 26. *Basement and cellar rooms.*—In tenement houses hereafter erected no room in the cellar or basement shall be constructed, altered, converted, or occupied for living purposes unless, in addition to the other requirements of this act, all of the following conditions are complied with: In a cellar no room shall be so occupied unless it is in every part entirely above the finished grade of the adjoining land. Such occupied cellar shall be counted as a story in determining the size of courts and yard. In a basement no room shall be so occupied unless the ceiling in every part is at least 4½ feet above the curb level of the street in front of such room. Every such room shall be an integral part of an apartment containing a room opening directly upon the street or yard. There shall be appurtenant to every such apartment a separate water-closet, constructed and arranged as required by section 31 of this act. All walls surrounding such room and the floors thereof shall be damp proof.

SEC. 27. *Cellars, damp proofing and lighting of.*—Every tenement house hereafter erected shall have the cellar floor and the walls below the ground level damp proof. All cellars and basements in such tenement houses shall be properly lighted and ventilated in all their parts to the satisfaction of the board of health.

SEC. 28. *Spaces under floors.*—In any tenement house hereafter erected, under any part of which there is no cellar, the first story shall be at least 2 feet above the ground beneath and that adjacent thereto, and the space beneath such floor shall be kept free and clear and shall be inclosed to prevent the accumulation of rubbish, but provided with ample ventilation and adequate drainage.

SEC. 29. *Drainage of courts, areas, and yards.*—In every tenement house hereafter erected all courts, areas, and yards shall be properly graded and drained and connected with the street sewer subject to the provisions of section 6. And when necessary in order to keep such premises in a sanitary condition such courts, areas, or yards, or such part thereof as the board of health shall order, shall be properly paved.

SEC. 30. *Sinks.*—In every tenement house hereafter erected there shall be provided in each apartment a proper sink.

SEC. 31. *Water-closets.*—In every tenement house hereafter erected there shall be within each apartment a separate water-closet, located in a bathroom or in a separate compartment: *Provided*, That where there are apartments of but one or two rooms there shall be at least one water-closet for every two such apartments, and such water-closet shall not open into any apartment but shall be accessible through a public hall, and the door thereof shall be provided with lock and keys, and such compartment and water-closet shall comply in all other respects with the provisions of this act. Said compartment shall be not less than 3 feet wide, and shall be inclosed with brick, concrete, stone, tiled, or

plastered partitions which shall extend to the ceiling. No wooden sheathing or wainscotting shall be permitted. Every such compartment shall have a window opening directly upon the street or upon a yard or court of the minimum size prescribed by this act. Every water-closet compartment hereafter placed in any tenement house shall be provided with proper means of lighting the same at night. The floor of every such water-closet compartment shall be made waterproof with asphalt, tile, stone, or some other nonabsorbing waterproof material; and such waterproofing shall extend at least 6 inches above the floor so that the floor can be washed or flushed out without leaking. When the water-closet fixture is located in a bathroom the floor directly beneath the fixture and extending at least 1 foot beyond it in each direction shall be waterproofed as above provided. No drip trays shall be permitted. No water-closet fixtures shall be inclosed with any woodwork. No water-closet shall be placed out of doors nor in the cellar of any tenement house, except as provided in section 26 or as an appurtenance to an engine or boiler room or laundry, and then only in case such cellar closet is lighted and ventilated as required herein for a basement room.

SEC. 32. *Plumbing*.—In every tenement house hereafter erected plumbing fixtures shall not be inclosed with woodwork. All plumbing pipes shall be exposed, except as may otherwise be permitted by the board of health. Wherever plumbing or other pipes pass through floors or partitions they shall pass through metal bushings or casings extending entirely through the floor or partition, and the inner diameter of such bushing or casing shall in no case exceed the outer diameter of such pipe by more than one thirty-second of 1 inch, and such bushings or casings shall be so set in floors or partitions as to be externally air tight. All plumbing work shall be sanitary in every particular and, except as otherwise specified in this act, shall be in accordance with the local plumbing regulations. Pan and long hopper closets are hereby prohibited.

SEC. 33. *Water connections*.—In every tenement house hereafter erected all sinks and water-closets shall be provided with an adequate supply of running water as approved by the board of health.

SEC. 34. *Privies and privy vaults*.—No privy or privy vault shall be permitted on the same lot with any tenement house hereafter erected.

(Title 3, secs. 35 to 48, inclusive, relates to fire protection.)

### PART III.

#### IMPROVEMENTS.

SEC. 49. *Rooms, lighting and ventilating of*.—No room or alcove in a tenement house erected prior to the acceptance of this act shall hereafter be occupied for living purposes unless it shall have a window with an area of not less than 10 square feet between stop beads opening directly upon the street, or upon a yard not less than 10 feet deep, or above the roof of an adjoining building, or upon a court of not less than 30 square feet in area, open to the sky without roof or skylight.

SEC. 50. *Public halls, lighting and ventilating of*.—In every tenement house erected prior to the acceptance of this act, the public halls and stairs shall be provided with sufficient light to permit the reading of 12-point type in the daytime in any part thereof. Light and ventilation in such halls shall be from the outer air, except when in the opinion of the building inspector it is impracticable, in which case the lighting and ventilation shall be such as to meet the approval of the board of health.

All new skylights hereafter placed in such a house shall be provided with ridge ventilators having a minimum opening of 40 square inches, and also with either fixed or movable louvres, or with movable sashes, and shall be of such size as may be determined to be practicable by the building inspector.

SEC. 51. *Sinks*.—In every tenement house erected prior to the acceptance of this act, the woodwork inclosing sinks placed in the public halls or stairs shall be removed and the spaces underneath shall be left open. The floors and wall surfaces beneath and around the sink shall be put in good order and repair, and if of wood shall be well painted with light-colored paint.

SEC. 52. *Water-closets*.—In every tenement house erected prior to the acceptance of this act the woodwork inclosing every water-closet fixture shall be removed, and the space underneath the seat shall be left open. The floor and other surfaces beneath and around the closet shall be put in good order and repair, and if of wood shall be well painted with light-colored paint.

SEC. 53. *Privy vaults, school sinks, and water-closets*.—In every tenement house erected prior to the acceptance of this act, where a connection with a sewer is possible, all cesspools, school sinks, privy vaults, or other similar receptacles used to receive fecal matter, urine, or sewage shall, within one year after the acceptance of this act, be completely removed and the places where they were located properly disinfected under the direction of the board of health. Such appliances shall be replaced by individual water-closets of durable non-absorbent material, properly sewer-connected, with individual traps and properly connected flush tanks providing an ample flush of water thoroughly to cleanse the bowl. Each water-closet shall be located inside the tenement house in a compartment completely separated from every other water-closet, and such compartment shall contain a window of not less than 3 square feet in area opening directly upon the street, or yard, or on a court of which the least dimension is not less than 3 feet and the area not less than 15 square feet. The floors of the water-closet compartment shall be waterproof, as provided in section 31 of this act. There shall be provided at least one water-closet for each apartment in every tenement house existing on the day when this act takes effect, unless, in the opinion of the building inspector, this shall be impracticable; but in no case shall there be less than one water-closet for every two apartments. Such water-closets and all plumbing in connection therewith shall be sanitary in every respect, and, except as in this section otherwise provided, shall be in accordance with the laws, ordinances, and regulations in relation to plumbing and drainage. Pan and long hopper closets shall not be permitted.

SEC. 54. *Basements and cellars*.—Any part of a floor or wall below the adjoining grade, and in any case the lowest floor, shall be damp proof and, when necessary, shall be concreted with a finished surface. The cellar ceiling of every tenement house shall be plastered when so required by the building inspector, except where such ceiling is already well covered with a metal ceiling or where the first floor above the cellar is constructed of iron beams and fireproof filling.

SEC. 55. *Shafts and courts*.—In every tenement house there shall be at the bottom of every shaft and court a door giving sufficient access to such shaft or court to enable it to be properly cleaned out: *Provided*, That where there is already a window giving proper access to such shaft or court such window shall be deemed sufficient.

(Sections 56 and 57 relate to fire protection.)



## PART IV.

## ALTERATIONS.

SEC. 58. *General provisions.*—No tenement house erected prior to the acceptance of this act shall at any time be altered so as to be in violation of the requirements of Part II, except as hereinafter provided.

(1) Any additional room or hall that is hereafter constructed or created in a tenement house shall comply in all respects with the provisions of Part II of this act, except that such rooms may be of the same height as the other rooms in the same story of the house.

(2) All shafts shall be constructed fireproof throughout, with fireproof self-closing doors at all openings, at each story; and, if they extend to the cellar, shall also be inclosed in the cellar with fireproof walls and fireproof self-closing doors at all openings. In no case shall any shaft be constructed of materials in which any inflammable material or substance enters into any of the component parts. But nothing contained in this section shall be so construed as to require such inclosures about elevators or dumb-waiters in the wellhole of stairs where the stairs themselves are inclosed in brick or stone walls and are entirely constructed of fireproof materials, as hereinbefore provided.

(3) No tenement house of third-class construction containing more than two apartments shall hereafter be enlarged or extended, except that a wooden extension not exceeding in total area 70 square feet may be added to an existing wooden tenement house, provided that such extension is used solely for bathrooms or water-closets.

## PART V.

## MAINTENANCE.

SEC. 59. *Public halls, lighting of, in the daytime.*—In every tenement house where the public halls and stairs are not, in the opinion of the board of health, sufficiently lighted, the owner of the house shall keep a proper light burning in the hallway, near the stairs, upon each floor, as may be necessary, from sunrise to sunset.

SEC. 60. *Public halls, lighting at night.*—In every tenement house occupied by more than two families a proper light shall be kept burning by the owner in the public hallways, near the stairs, upon the entrance floor, and upon the second floor above the entrance floor of the house, every night from sunset to sunrise throughout the year, and upon all other floors of the said house from sunset until 10 o'clock in the evening.

SEC. 61. *Water-closets in cellars.*—No water-closet shall be permitted in the cellar of any tenement house, except as provided in sections 26 and 31.

SEC. 62. *Water-closet accommodations.*—In every tenement house existing prior to the acceptance of this act there shall be provided at least one water-closet for every two apartments.

SEC. 63. *Basement and cellar rooms.*—Hereafter in tenement houses erected prior to the acceptance of this act no room in the cellar shall be occupied for living purposes except as provided in section 26. And no room in the basement of such houses shall be so occupied, unless all the following conditions are complied with: Every such room shall be at least 8 feet high in every part from the floor to the ceiling, and the ceiling in every part shall be at least 4½ feet above the curb level of the street or the level of the yard or court in front of such room. There shall be appurtenant to every such room the use of a water-closet. Every such room shall have a window opening, as provided in section 51, of at least 12 square feet in size clear of the sash frame, and which

shall open readily for purposes of ventilation. The lowest floor shall be water-proof and damp proof. Every such room shall have sufficient light and ventilation, shall be well drained and dry, and shall be fit for human habitation.

SEC. 64. *Water-closets and sinks*.—In all tenement houses the floor or other surface beneath and around water-closets and sinks shall be maintained in good order and repair, and if of wood shall be kept well painted with light-colored paint.

SEC. 65. *Repairs*.—Every tenement house and all the parts thereof shall be kept in good repair, and the roof shall be kept so as not to leak, and all rain water shall so be drained and conveyed therefrom as to prevent dampness in the walls, ceilings, yards, or areas.

SEC. 66. *Water supply*.—Every tenement house shall have water furnished in sufficient quantity at one or more places in each apartment. The owner shall provide proper and suitable tanks, pumps, or other appliances to receive and distribute an adequate and sufficient supply of water at each apartment in the said house at all times of the year during all hours of the day and night. But a failure in the general supply of water furnished by the city authorities or from the freezing or bursting of pipes shall not be construed to be a failure on the part of such owner, provided that proper and suitable appliances to receive and distribute water have been provided in the said house.

SEC. 67. *Cleanliness of buildings*.—The owner of every tenement house shall cause every part of such tenement house to be kept clean and free from any accumulation of dirt, filth, and garbage or other refuse matter, in or on the same, or in the cellars, halls, passages, rooms, areas, yards, courts, and spaces appurtenant thereto. The owner shall thoroughly cleanse every part of a tenement house, whenever ordered so to do by the board of health.

SEC. 68. *Walls of courts*.—The walls of all courts, except those opening on a street, unless built of a light-colored brick or stone, shall be thoroughly whitened by the owner, or shall be painted a light color by him, and shall so be maintained. Such whitening or paint shall be renewed whenever necessary as may be required by the board of health.

SEC. 69. *Walls and ceilings of rooms*.—In all tenement houses the board of health may require the walls and ceilings of every room that does not open directly on the street to be whitened or painted with white paint when necessary to improve the lighting of such room, and may require this to be renewed as often as may be necessary.

SEC. 70. *Wall paper*.—No wall paper shall be placed upon the wall or ceiling of any tenement house unless the wall or ceiling has been thoroughly cleaned.

SEC. 71. *Receptacles for ashes, garbage and rubbish*.—The owner of every tenement house shall provide and maintain therefor suitable, covered, water-tight receptacles for ashes, rubbish, garbage, refuse and other like matter.

SEC. 72. *Prohibited uses*.—No swine shall be kept in a tenement house, or on the same lot therewith. No horse, cow, calf, sheep, goat, or fowl shall be kept in a tenement house, in on the same lot therewith within 25 feet of the tenement house. No tenement house, or the lot upon which it is situated, shall be used for the storage or handling of rags, nor as a place of public assemblage.

SEC. 73. *Combustible materials*.—No tenement house, and no part thereof, or of the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, nor for the storage, keeping, or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers, rags, or other easily combustible articles.

SEC. 74. *Bakeries and fat boiling*.—No bakery and no place of business in which fat is boiled shall be maintained in any tenement house.

SEC. 75. *Other dangerous businesses.*—There shall be no transom, window, or door opening into a hall from any part of a tenement house where paint, oil, spirituous liquors, or drugs are stored for the purpose of sale or otherwise.

SEC. 76. *Janitor or housekeeper.*—For any tenement house in which the owner thereof does not reside, there shall be a janitor, housekeeper, or other responsible person who shall have charge of the same if the board of health shall so require.

SEC. 77. *Overcrowding.*—If a room in a tenement house is overcrowded, the board of health may order the number of persons sleeping or living in said room to be so reduced that there shall not be less than 400 cubic feet of air to each adult and 300 cubic feet of air to each child under 12 years of age occupying the room.

SEC. 78. *Lodgers.*—No tenement house and no part thereof shall be used for the letting of lodgings unless the person letting the same shall first file a notice in writing of the proposed letting in the office of the board of health, nor shall any person not a member of the family be taken to live within an apartment occupied by any family without such written notice. It shall be the duty of the owner of a tenement house to see that the provisions of this section are at all times complied with, and a failure so to comply on the part of any tenant, after due and proper notice from the owner, shall be deemed sufficient cause for the summary eviction of such tenant and the cancellation of his lease.

SEC. 79. *Repairs to buildings, etc.*—Whenever any tenement house or building, structure, excavation, business pursuit, matter, or thing, in or about a tenement house, or the lot on which it is situated, or the plumbing, sewerage, drainage, light, or ventilation thereof, is, in the opinion of the board of health, in a condition or in effect dangerous or detrimental to life or health, the board may declare that the same, to the extent which it may specify, is a public nuisance, and may order the same to be removed, abated, suspended, altered, or otherwise improved or purified, as the order shall specify. The board may also order or cause any tenement house or part thereof, or any excavation, building, structure, sewer, plumbing, pipe, passage, premises, ground, matter, or thing, in or about a tenement house, or the lot on which it is situated, to be purified, cleansed, disinfected, removed, altered, repaired, or improved. If any order of the board is not complied with, within 10 days after the service thereof, or within such longer or shorter time as the board may designate, then such order may be executed by said board through its officers, agents, employees, or contractors.

SEC. 80. *Infected and uninhabitable houses to be vacated.*—Whenever it shall be certified by an inspector or officer or agent of the board of health that a tenement house, or any part thereof, is infected with contagious disease, or that it is unfit for human habitation, or dangerous to life or health by reason of want of repair, or of defects in the drainage, plumbing, ventilation, or the construction of the same, or by reason of the existence on the premises of a nuisance likely to cause sickness among the occupants of said house, the board may issue an order requiring all persons therein to vacate such house, or part thereof, within not less than 24 hours nor more than 10 days, for the reasons to be mentioned in said order. In case such order is not complied with within the time specified, the board may cause said tenement house or part thereof to be vacated. The board whenever it is satisfied that the danger from said house or part thereof has ceased to exist, or that it is fit for human habitation, may revoke said order, or may extend the time within which to comply with the same.

(Sections 81 and 82 relate to fire protection.)

## PART VI.

## REQUIREMENTS AND REMEDIES.

SEC. 83. In a city which accepts the provisions of this act and in which the office of building inspector or a similar office does not exist, the mayor shall annually appoint an inspector of buildings.

SEC. 84. *Permit to commence building.*—Before the construction or alteration of a tenement house, or the alteration or conversion of a building for use as a tenement house, is begun, and before the construction or alteration of any building or structure on the same lot with a tenement house, the owner shall submit to the building inspector a detailed statement in writing, verified by the affidavit of the person making the same, of the specifications for such tenement house or building, upon blanks or forms to be furnished by such inspector, and also full and complete copies of the plans of the work, together with a plan of the lot on which the same is or is to be situated, showing the location, character, and size of all buildings thereon, and the exact dimensions of said lot, together with its description by metes and bounds. The said statement shall give in full the name and residence, by street and number, of the owner or owners of the tenement house or other building. If such construction, alteration, or conversion is proposed to be made by any other person than the owner of the land in fee, the statement shall contain the full name and residence, by street and number, not only of the owner of the land, but of every person interested in the tenement house, either as owner, lessee, or in any representative capacity. The affidavit shall allege that said specifications and plans are true and contain a correct description of such tenement house or other building, structure, lot, and proposed work. The statements and affidavit herein provided for may be made by the owner, or by the person who proposes to make the construction, alteration, or conversion, or by his agent. No person, however, shall be recognized as the agent of the owner unless he shall file with the building inspector a written instrument, signed by the owner, designating him as such agent. Any false swearing in a material point in any such affidavit shall be deemed perjury. The said specifications, plans, and statements shall be filed in the office of the building inspector and shall be public records, and no such specifications, plans, or statements shall be removed from the said office. The building inspector shall cause all such plans and specifications to be examined.

If such plans and specifications conform to the provisions of law, they shall be approved, in writing, by the building inspector, and he may from time to time approve changes in any plans and specifications, provided that the plans and specifications so altered are in conformity with law; but the building inspector shall not approve any plans or specifications or any changes in the same until the board of health has certified that the said plans and specifications conform to the law relative to light, ventilation, and sanitation. The construction, alteration or conversion of such tenement house, building, or structure, or any part thereof, shall not be begun until the filing of the said specifications, plans and statements, and the approval thereof, as above provided. The construction, alteration, or conversion of any such house, building, or structure shall be in accordance with the said approved specifications and plans. Any permit or approval which may be issued by the building inspector, but under which no work has been done above the foundation walls within one year after the issuance of the permit or approval, shall expire by limitation. Said inspector shall have power to revoke or cancel any permit or approval in case of any failure or neglect to comply with any provision of this act, or in case

any false statement or representation was made in any specifications, plans, or statements submitted or filed for such permit or approval.

SEC. 85. *Approval of construction.*—No building hereafter constructed as or altered into a tenement house shall be occupied in whole or in part for human habitation until the building conforms in all respects to the requirements of law. Upon notice of the completion of the construction, alteration or conversion of a tenement house, it shall be the duty of the building inspector and of the board of health to inspect the building forthwith, and it shall not be occupied as a place of habitation unless it conforms to the requirements of this act.

SEC. 86. *Procedure and penalties.*—Any court having jurisdiction in equity, or any justice thereof, shall upon the application of the city solicitor, building inspector, or the board of health of any city have jurisdiction in equity to restrain the construction, alteration, repair, maintenance, use, or occupation of a building or other structure in violation of the provisions of this act and to order its removal or abatement as a nuisance, and to compel compliance with any provision of this act.

SEC. 87. A building or other structure which is erected, altered, maintained, or used in violation of the provisions of this act shall be deemed a common nuisance without other proof thereof than proof of such unlawful construction, maintenance, or use, and the board of health may, if such violation is of any section of this act relative to light, ventilation, and sanitation, and the building inspector may, if said violation is of any other provision of this act, order the owner of said premises at his own expense to abate or remove said nuisance within 24 hours, or within such further time as said board of health or said building inspector, as the case may be, considers reasonable, after notice to be served in the manner provided in section 94; and if the owner or occupant fails to comply with such order, the board may abate or remove the nuisance, and all expenses incurred thereby shall be paid by the person who caused or permitted the same.

SEC. 88. Whoever violates any provision of this act shall be punished by a fine of not less than \$10. Any person who violates any provision of this act after he has been served with a notice or order as provided by section 94, or who fails to comply with such notice or order within 10 days after such service, or continues to violate any provision or requirement of this act in the respect named in such notice or order, shall be subject to an additional fine of not less than \$5 and not more than \$20 for each day after the first day during which the violation continues.

SEC. 89. Any person the value of whose property may be affected by any action of the board of health or of the building inspector may have the action of said board or inspector reviewed by the superior court by any appropriate process: *Provided*, That proceedings are instituted within 20 days after such action.

SEC. 90. Any person having any duty to perform in regard to any building or premises under the provisions of this act may, if it be necessary for the performance of such duty, enter any building or premises.

SEC. 91. *Liens.*—Every fine imposed by judgment under section 88 of this act upon a tenement house owner shall be a lien upon the house in relation to which the fine is imposed from the time of the filing of a certified copy of the judgment in the office of the register of deeds for the county or district in which the tenement house is situated, subject only to taxes, assessments, and water rates and other existing lawful incumbrances; and it shall be the duty of the board of health and the building inspector, upon the entry of said judg-

ment, forthwith to file the copy as aforesaid, and the copy, upon such filing, shall forthwith be properly indexed by the register of deeds.

SEC. 92. *Lis pendens*.—In any action or proceeding instituted by the officer or department charged with the enforcement of this act, the plaintiff or petitioner may file in the office of the register of deeds for the county or district where the property affected by such action or proceeding is situated a notice of the pendency of the action or proceeding. The register of deeds with whom the notice is filed shall record it, and shall index it under the name of each person against whom said proceeding is instituted. Any such notice may be vacated by the order of a justice of the court in which the action or proceeding was instituted or is pending. The register of deeds of the county or district where the notice is filed is hereby directed to mark the notice and any record or docket thereof as canceled of record upon the presentation and filing of a certified copy of such order.

SEC. 93. *Registry of owner's name*.—Every owner of a tenement house and every lessee of the whole house, or other person having control of a tenement house, shall file with the board of health a notice containing his name and address, and also a description of the property, by street and number or otherwise, as the case may be, in such manner as will enable the said board easily to find the same; and also the number of rooms in each apartment, and the number of families occupying the apartments. When the owner or agent is not a resident of the city the notice shall contain the name and address of some agent residing within the city for the purpose of receiving service of process, and notice to and service of process upon such agent shall bind the principal. Blanks for the said registration shall be provided by the board of health.

SEC. 94. *Service of notices and orders*.—Unless otherwise provided in this act, every notice or order in relation to a tenement house shall be served 10 days before the time for doing the thing in relation to which it is issued. The service of a notice or order as aforesaid shall be made by the delivery of an attested copy in hand to the owner or his agent, or by leaving an attested copy at the last or usual place of abode of the owner or agent, or, if the owner is a non-resident and has no agent duly appointed, it shall be placed in a conspicuous place in said tenement house and a copy thereof mailed by a registered letter, on the same day on which it is posted, to the owner or his agent at his residence.

SEC. 95. *Service of summons*.—In any action brought by any city official in relation to a tenement house for injunction, vacating of the premises, or other abatement of nuisance, or to establish a lien thereon, service of process shall be in the manner provided in the preceding section, except that the service of process shall be made only by a sheriff or one of his deputies or by a constable.

SEC. 96. *Indexing names*.—The names and addresses filed in accordance with section 93 shall be indexed by the board of health in such a manner that all of those filed in relation to each tenement house shall be together, and readily ascertainable. The board of health shall provide the necessary books and clerical assistance for that purpose, and the expense thereof shall be paid by the city. Said indexes shall be public records, open to public inspection during business hours.

SEC. 97. *Laws repealed*.—All acts and parts of acts inconsistent herewith are hereby repealed, and upon acceptance of this act by any city all ordinances of such city inconsistent herewith are hereby annulled.

SEC. 98. *When to take effect*.—This act shall not apply to the city of Boston, but it shall take effect in any other city upon its acceptance by a majority vote of the members of each branch of the city council or corresponding body of that city, present and voting thereon, and upon the approval of the mayor.